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Attorney for Plaintiff,
Stephanie Rodriguez

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

STEPHANIE RODRIGUEZ
Plaintiff,

vs.

CREDIT BUREAU COLLECTION
SERVICES, INC, a corporation, and
DOES 1 through 10,

Defendant(s).

Civil Action No. **'16CV2221 LAB BLM**

COMPLAINT

DEMAND FOR JURY TRIAL

(Violations of the Fair Debt Collection
Practices Act and Rosenthal Fair Debt
Collection Practices Act)

JURY TRIAL REQUESTED

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, Title 15 United States Code section 1692, *et seq.* (hereinafter "FDCPA") and the California Rosenthal Fair Debt Collection Practices Act, California Civil Code section 1788, *et seq.* (hereinafter "RFDCPA") that prohibits debt collectors from engaging in abusive, deceptive, and unfair practices when they attempt to collect a consumer debt.

II. JURISDICTION AND VENUE

2. This action has been commenced in the proper Court and Judicial District because Defendants engage in business here and Plaintiff lives in this Judicial District.

III. PARTIES

3. Plaintiff, Stephanie Rodriguez (hereinafter “Plaintiff” or “Ms. Rodriguez”), is a natural person residing in this district.

4. Defendant Credit Bureau Collection Services (hereinafter “Defendant Debt Collector”) is a corporation based out of Ohio that is registered to do business in the State of California. Defendant Debt Collector regularly collects debts originally owed to another.

5. The true names and capacities, whether individual, corporate, association, or otherwise of Defendants named herein as DOES 1 through 10 are unknown to Plaintiff who therefore sues said Defendants by such fictitious names. Plaintiff will seek leave to amend this Complaint to allege their true names and capacities when the same have been ascertained. Plaintiff is informed and believes that each of the fictitiously named Defendants and/or their agents and employees are responsible in some manner for the events and happenings alleged in this Complaint, and proximately caused Plaintiff’s damages.

6. Defendant Debt Collector is a “debt collector” as defined by the FDCPA, Title 15 United States Code section 1692a(6) and the RFDCPA, California Civil Code section 1788.2.

VI. JURY TRIAL DEMAND

7. Ms. Rodriguez demands a jury trial.

V. FACTUAL ALLEGATIONS

8. Ms. Rodriguez has had a lot of issues getting collection letters for debts incurred by someone else.

1 9. Ms. Rodriguez believes that someone with her name has a similar social
2 security number.

3 10. This other person appears to owe multiple debts on a variety of
4 consumer issues and Ms. Rodriguez repeatedly receives attempts to collect these
5 debts, even though she lives in San Diego county and the debts were not incurred
6 here.

7 11. On information and belief, these collection attempts are a result of debt
8 collectors not carefully reviewing their information to make sure all the information
9 is correct.

10 12. In early 2016 Ms. Rodriguez received a debt collection letter from
11 Defendant Debt Collector regarding an alleged debt owed to “The Christ Hospital”.
12 Ms. Rodriguez has never obtained any services from such a hospital. Indeed, the
13 hospital is located in Ohio, and Ms. Rodriguez has never even been to the state.

14 13. Upset over yet another collection attempt for some debt that she did not
15 owe, Ms. Rodriguez called the Defendant Debt Collector to dispute the debt. Ms.
16 Rodriguez informed them of her situation, told them she had never been to Ohio and
17 provided her social security number.

18 14. Ms. Rodriguez later received a letter, dated May 29, 2016 where
19 Defendant Debt Collector provided “validation” of the debt, informed her that the
20 balance was \$1,061.40 and requested payment of the debt.

21 15. Ms. Rodriguez called Defendant Debt Collector again, and got oral
22 confirmation that the social security number of the alleged debtor was indeed
23 different than hers, showing a willful failure to investigate Ms. Rodriguez’s dispute.

24 16. As a direct and proximate result of Defendants’ actions, Ms. Rodriguez
25 has suffered damages.

26 **V. FIRST CLAIM FOR RELIEF – FAIR DEBT COLLECTION**
27 **PRACTICES ACT**
28

1 17. Plaintiff repeats and re-alleges and incorporates by reference paragraphs
2 one through sixteen above.

3 18. Plaintiff brings this claim under Title 15 United States Code section
4 1692 *et seq*, against all Defendants.

5 19. Plaintiff is a “consumer” as that term is defined by Title 15 United States
6 Code section 1692a(3).

7 20. Defendant Debt Collector is a “debt collector” as that term is defined by
8 Title 15 United States Code section 1692a(6).

9 21. On information and belief, the financial obligation alleged to be owed by
10 Plaintiff is a “debt” as that term is defined by Title 15 United States Code section
11 1692a(5).

12 22. The letters and telephone conversations were “communications” as
13 defined by Title 15 United States code section 1692a(2).

14 23. Defendant Debt Collector violated the FDCPA. Defendant’s violations
15 include, but are not limited to, the following:

- 16 a. Defendant violated Title 15 United States Code sections 1692e,
17 1692e(2)(a), and 1692(f)(1) by attempting to amounts not owed; and
18 b. Defendant violated Title 15 United State Code section 1692d in
19 attempting to collect from a consumer when the consumer had
20 provided information to show that the consumer was not the actual
21 debtor.

22 24. As a direct and proximate result of Defendants’ actions, Plaintiff has
23 suffered damages.

24 **VI. SECOND CLAIM FOR RELIEF – ROSENTHAL FAIR DEBT**
25 **COLLECTION PRACTICES ACT**

26 25. Plaintiff brings the second claim for relief against all Defendants under
27 the Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), California Civil Code
28 section 1788 *et seq*.

26. Plaintiff repeats and re-alleges and incorporates by reference paragraphs one through 24 above.

27. Plaintiff is a “debtor” as that term is defined by the RFDCPA, California Civil Code section 1788.2(h).

28. On information and belief, all defendants are “debt collectors” as that term is defined by the RFDCPA, California Civil Code section 1788.2(c) and Defendants actions were willful.

29. On information and belief, the financial obligation alleged to be owed by Plaintiff is a “consumer debt” as that term is defined by the RFDCPA, California Civil Code section 1788.2(f).

30. Defendant violated the RFDCPA. Defendants' violations include, but are not limit to, the following:

a. Defendants violated California Civil Code section 1788.17 by violating Title 15 United States Code section 1692e, 1692e(2)(A), and 1692f(1) by attempting to collect amounts not owed.

31. As a direct and proximate result of Defendant's actions, Plaintiff has suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants, and Plaintiff be awarded damages from Defendant, as follows:

a. An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

b. An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);

c. Attorney's fees;

d. Costs;

e. Actual damages according to proof;

f. Interest, if applicable; and

1 g. Award Plaintiff any other relief as may be just and proper.
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6 Respectfully submitted,
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8 Date: August 26, 2016

9 /s/ Samuel Henderson
10 Samuel Henderson
11 Attorney for Plaintiff
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